

SENATE BILL 876

By Southerland

AN ACT to enact the Tennessee Environmental Protection and Recycling Act and to amend Tennessee Code Annotated, Title 4; Title 49; Title 55; Title 67; Title 68 and Title 70.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Environmental Protection and Recycling Act".

SECTION 2. Tennessee Code Annotated, Section 68-211-803, is amended by adding the following language as a new subsection (d):

(d) It is further declared to be the policy of this state that a seventy-five percent (75%) reduction in the amount of solid waste disposed of in Class I disposal facilities in this state shall be achieved on or before July 1, 2018, and that such reduction shall be accomplished through waste source reduction, reuse, composting, recycling and other methods identified by the department and board as beneficial to the citizens of the state.

SECTION 3. Tennessee Code Annotated, Section 68-211-861(g), is amended by deleting the last sentence of the subsection and by substituting instead the following:

Upon the effective date of the rule, subsections (a)-(f) shall be repealed and of no further force and effect and the rule shall be enforceable according to its terms and in accordance with this section and § 68-211-816.

SECTION 4. Tennessee Code Annotated, Section 68-211-861, is amended by redesignating subsection (g) as subsection (h) and is further amended by adding the following language as a new subsection (g):

(g) On or after July 1, 2010, solid waste received by a Class III or Class IV disposal facility shall not be included as waste reduced or diverted for purposes of

determining if a county or region has attained the waste reduction and diversion goal set by this section or by rule as provided in subsection (h) unless such waste is recycled or used for beneficial use activities. For purposes of this subsection, "beneficial use activity" means application of solid waste to a purpose that is not detrimental to public health, safety, or the environment and produces tangible or intangible economic or other benefits.

SECTION 5. Tennessee Code Annotated, Section 68-211-865, is amended by deleting subsection (b) and by substituting instead the following:

(b) The department of environment and conservation shall:

(1) Expand the department's demonstration state office recycling program to the maximum extent practicable to include other kinds of recyclable materials, including, but not limited to, newsprint, mixed paper and steel cans;

(2) Demonstrate new uses of recovered materials; and

(3) On or before July 1, 2010, expand participation in the department's demonstration state office recycling program to all buildings owned or leased by the state and to include, at a minimum, the following kinds of recyclable materials: newsprint, mixed paper, cardboard, steel, aluminum, glass and plastic.

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following language as a new section:

Section 49-4-941.

(a)

(1) This section shall be known and may be cited as the "Green Tennessee Assistance Grant Act."

(2) The purpose of the green Tennessee assistance grant act is to provide an incentive to encourage students to pursue advanced

degrees in areas of study particularly suited for environmental protection, sustainable development and ecological stewardship.

(b) To be eligible for a green Tennessee assistance grant, a student shall:

(1) Not be ineligible for the grant under § 49-4-904;

(2) Be classified as an in-state student under the rules of the board of regents or the University of Tennessee system on the date of application for the grant and on the date of reapplication for the grant each academic year;

(3) Be admitted to and enroll in a master's degree or doctoral degree program at an eligible postsecondary institution in one (1) of the following fields of study:

(A) Agriculture business and management;

(B) Agriculture;

(C) Animal sciences;

(D) Ecology;

(E) Environmental studies;

(F) Environmental health engineering;

(G) Food science;

(H) Forestry;

(I) Natural resources conservation;

(J) Plant protection and integrated pest management;

(K) Plant sciences; or

(L) Wildlife and wildlands management; and

(4) Make application for a green Tennessee assistance grant.

(c) A green Tennessee assistance grant shall be made in any semester in which a student is enrolled in the number of semester hours required to be full-time for the degree sought at the eligible postsecondary institution. In any such semester, the student shall receive the full amount of the grant as provided in subsection (d).

(d) Subject to the amounts appropriated by the general assembly and any law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a green Tennessee assistance grant awarded to a student shall be one thousand dollars (\$1,000) per semester for any semester during the 2009-2010 academic year. For academic years subsequent to the 2009-2010 academic year, the amount of the grant shall be determined in accordance with § 4-51-111 and shall be set in the general appropriations act.

(e) A student may receive a green Tennessee assistance grant for a maximum of four (4) semesters.

(f) A green Tennessee assistance grant shall be awarded in addition to any other financial aid for which the recipient qualifies.

(g) Notwithstanding the provisions of § 49-4-903 to the contrary, TSAC shall award green Tennessee assistance grants each year on a first come, first served basis; provided, however, that no more than four hundred thousand dollars (\$400,000) shall be expended for such grants per year.

(h) Green Tennessee assistance grants awarded under this section shall commence with the 2009-2010 academic year.

(i) No retroactive award of a green Tennessee assistance grant shall be made under this section.

SECTION 7. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Green Tennessee;

SECTION 8. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

Section 55-4-2__.

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued a green Tennessee new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be of an appropriate design reflecting Tennessee's commitment to environmental protection and shall be designed in consultation with a state-wide environmental organization.

(c) In accordance with § 55-4-215, the funds produced from the sale of the green Tennessee new specialty earmarked license plates shall be allocated to the Tennessee environmental protection and recycling fund created pursuant to title 68, chapter 203, part 2. Such funds shall be used in accordance with § 68-203-202.

SECTION 9. Tennessee Code Annotated, Title 68, Chapter 203, is amended by adding the following language as a new part:

Section 68-203-201.

(a) There is created a special account in the state treasury to be known as the "Tennessee Environmental Protection and Recycling Fund", hereinafter referred to as the "environmental fund".

(b) There shall be deposited in the environmental fund:

(1) Funds produced from the sale of green Tennessee new specialty earmarked license plates pursuant to Section 8 of this act; and

(2) Appropriations made by the general assembly to the environmental fund.

(c) In addition to the funds deposited pursuant to subsection (b), the commissioner of environment and conservation may accept other funds, public or private, by way of gift or grant to the fund.

(d) Moneys in the environmental fund may be invested by the state treasurer in accordance with the provisions of § 9-4-603.

(e) Notwithstanding any provision of law to the contrary, interest accruing on investments and deposits of the environmental fund shall be credited to such fund, shall not revert to the general fund, and shall be carried forward into the subsequent fiscal year.

(f) Any balance remaining unexpended at the end of a fiscal year in the environmental fund shall not revert to the general fund but shall be carried forward into the subsequent fiscal year.

(g) Money in the environmental fund may be expended only in accordance with annual appropriations approved by the general assembly.
Section 68-203-202.

(a) The environmental fund shall be available to provide:

(1) Grants for recycling programs and initiatives; and

(2) Grants for educational and outreach programs on environmental protection or recycling.

(b)

(1)

(A) Grants for recycling programs and initiatives awarded pursuant to this section shall be available to qualified applicants in any area of the state. Grants may be awarded to a nonprofit organization, a county or metropolitan government, a city government or any combination of nonprofit organization, county or metropolitan government and city government applying jointly.

(B) Grants for educational and outreach programs on environmental protection or recycling shall be available to qualified applicants in any area of the state. Grants may be awarded to eligible independent postsecondary institutions, as defined in § 49-4-902(12), eligible public postsecondary institutions, as defined in § 49-4-902(14), or any combination of eligible independent or public postsecondary institutions.

(2) The commissioner shall establish criteria for the grant program. The commissioner shall award such grants from funds then available and appropriated for grants from the environmental fund.

(3) All grant recipients are subject to audit by the comptroller of the treasury as to the funds received pursuant to this section.

SECTION 10. Tennessee Code Annotated, Section 67-4-2009, is amended by adding the following language as a new subdivision:

(9)

(A) There shall be allowed against the tax imposed by this part a credit equal to the total expenditures paid or incurred by any taxpayer in such income year for planning, site preparation, construction and recycling equipment for the purpose of establishing a recycling drop-off facility.

(B) For purposes of this subdivision:

(i) "Recycling drop-off facility" means a facility approved by the department of environment and conservation for the collection of two (2) or more of the following recyclable materials in separate recycling collection bins: paper, plastic, aluminum or glass; and

(ii) "Recycling equipment" means a closed-top collection bin with a capacity of at least eight (8) cubic yards; and

(C) The amount of tax credit allowed any taxpayer under the provisions of this subdivision for any income year may not exceed twenty-five thousand dollars (\$25,000); provided that any unused credit may be carried forward for five (5) years after the tax year in which the credit originated.

(D) In order to receive the credit, the taxpayer shall apply for pre-approval of the recycling drop-off facility from the department of environment and conservation. The department of environment and conservation shall issue to the taxpayer a letter for any facility that complies with requirements established by the department for such facility; provided that in addition to any other requirements established by the department, a recycling drop-off facility shall be located on the property of the taxpayer and be open for public use at least four (4) hours per day, four (4) days per week. A copy of the approval letter shall be filed by the taxpayer with the department of revenue in any year in which the taxpayer utilizes the credit.

(E) The commissioner of revenue and the commissioner of the department of environment and conservation are authorized to promulgate rules and regulations to effectuate the purposes of this subdivision (9). All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 11. This act shall take effect January 1, 2010, the public welfare requiring it.